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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

CENTER FOR BIOLOGICAL  
DIVERSITY, et al.,

Plaintiffs,

v.

LT. GEN SCOTT A. SPELLMON, et  
al.,

Defendants,

AMERICAN GAS ASSOCIATION,  
et al.,

Defendant-Intervenor,

STATE OF MONTANA,

Defendants-Intervenor.

4:21-cv-00047-BMM

**Plaintiffs' Motion for Summary  
Judgment**

Plaintiffs Center for Biological Diversity, Sierra Club, Montana Environmental Information Center, Friends of the Earth, and Waterkeeper Alliance (collectively, “Plaintiffs”) respectfully move for summary judgment against Defendants Lt. Gen. Scott A. Spellmon and the U.S. Army Corps of Engineers (collectively, “Defendants”) on their first, second, and third claims for relief. *See* Compl., ECF No. 1.

As explained in their brief in support of this motion, Plaintiffs challenge the Corps’ reissuance of Nationwide Permit 12—a general Clean Water Act permit that approves oil and gas pipelines—as violating the Endangered Species Act (“ESA”), the National Environmental Policy Act (“NEPA”), the Clean Water Act (“CWA”), and the Administrative Procedure Act.

Plaintiffs respectfully request that the Court grant Plaintiffs’ motion for summary judgment; declare Nationwide Permit 12 in violation of the ESA, NEPA, and CWA; and vacate and remand Nationwide Permit 12 to the Corps for compliance with these statutes.

Consistent with the parties’ joint case management plan, ECF No. 31, the Corps and Defendant-Intervenors will file oppositions to this motion and cross-motions for summary judgment.

Dated: February 4, 2022

Respectfully submitted,

/s/ Timothy M. Bechtold

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